

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAVID R. PETE
Plaintiff

VS.

WALMART STORE LLC
Defendant

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CIVIL ACTION

NO. 1:25-CV-00104

JURY

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW DEFENDANT WALMART STORES TEXAS, LLC (INCORRECTLY NAMED AS WALMART STORE LLC), pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 *et seq.*, and files its Notice of Removal of the above-styled case from the 136th Judicial District Court of Jefferson County, Texas, to the United States District Court for the Eastern District of Texas, Beaumont Division, based on diversity of citizenship of the parties.

Pursuant to the applicable federal statutes and the Local Rules for the Eastern District of Texas, Defendant attaches the following documents in support of this Notice of Removal:

1. Attachment A - State Court Plaintiff's Original Petition;
2. Attachment B - Unofficial State Court Case Summary & Certified Mail Envelope served upon Walmart Stores LLC
3. Attachment C - Defendant, Walmart Stores Texas, LLC's State Court Answer;
4. Attachment D- Copy of Civil Docket Sheet;
5. Attachment E- List of Parties and Counsel; and
6. Attachment F - State Court Information Sheet.

The documents attached hereto as Attachment “A” through “C” comprise true and correct copies of all executed process and pleadings served upon Defendant and of all documents filed in the state court action.

In filing this Notice of Removal, Defendant expressly reserves all other questions other than that of removal, for the purpose of further pleadings.

I.
STATE COURT ACTION

Plaintiff’s Original Petition, styled *David R. Pete vs. Walmart Store LLC*, Cause No. 25DCCV0102, was filed on January 24, 2025, in Jefferson County, Texas, and assigned to the 136th Judicial District Court of Jefferson County, Texas, located at 1085 Pearl Street, Beaumont, TX 77701.

II.
PLAINTIFF’S ALLEGATIONS

Plaintiff’s Petition is unclear but appears to allege that Plaintiff was defamed, falsely accused of harassing a Walmart store manager, and forced to leave the Walmart store located 4145 Dowlen Rd, Beaumont, Texas 77706. *See* Exhibit “A” - Plaintiff’s Original Petition, at § IV, Sections 5 and 6. Plaintiff also appears to allege that he was illegally detained, which made him fear for his life. *Id.*

III.
PARTIES - DIVERSITY OF CITIZENSHIP

Plaintiff, David R. Pete, is a resident and citizen of Jefferson County, Texas.

Defendant, Walmart Stores Texas, LLC, is a corporation incorporated under the laws of the State of Delaware with it is principal place of business in Bentonville, Arkansas, and thus is a citizen of the States of Delaware and Arkansas. Walmart Stores Texas, LLC, is not now, nor was it at the time this action was commenced, a citizen of the State of Texas. Walmart, Inc., the

parent company of Walmart Stores Texas, LLC, is incorporated in Delaware, with its principal place of business in Bentonville, Arkansas. Therefore, Walmart Stores Texas, LLC's citizenship is determined by that of Walmart, Inc., which is a Delaware corporation.

Accordingly, there is complete diversity of citizenship between Plaintiff and the Defendant. 28 U.S.C. §§ 1332, 1441.

IV. **AMOUNT IN CONTROVERSY**

The state court action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 since it is a civil action wherein the matter in controversy as alleged in Plaintiff's Petition exceeds the minimum jurisdictional limits of this Court exclusive of interest and costs and is between citizens of different states.

In his Petition, Plaintiff specifically pleads damages in the amount of \$10,000,000,000. *See* Exhibit A at § III and § VI.

Plaintiff's pleading alleges an amount in controversy that exceeds the Court's minimum jurisdictional limits. *Id.* at § VI. In view of the nature of the claims and alleged damages sought, Defendant has established that the alleged amount in controversy is sufficient to confer federal jurisdiction in this Court. For the reasons stated above, this Court has original jurisdiction of this case pursuant to 28 U.S.C. §1332(a).

V. **REMOVAL IS TIMELY**

Removal is timely. Defendant's Store No. 651 was served with Plaintiff's Original Petition on February 5, 2025. As such, service on Defendant has been less than 30 days from filing this Notice of Removal. *See* 28 U.S.C. § 1446(b).

VI.
VENUE

This is a statutorily proper venue under the provisions of 28 U.S.C. § 1441(a) because the district and division embrace the place where the removed action has been pending.

VII.
FILING WITH STATE COURT AND NOTICE TO PLAINTIFF

Upon filing of this Notice of Removal of the cause, Defendant gave written notice of the filing to the Plaintiff as required by law. A copy of this Notice is also being filed with the 136th Judicial District Court of Jefferson County, Texas, where this cause was originally filed. A copy of all processes, pleadings, and orders has been filed separately with this Court pursuant to 28 U.S.C. § 1446(a).

VIII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, DEFENDANT, WALMART STORES TEXAS, LLC, prays that the United States District Court for the Eastern District of Texas, Beaumont Division, accept this Notice of Removal and assume jurisdiction of this matter and issue any orders and processes necessary to bring PLAINTIFF, DAVID R. PETE, and DEFENDANT, WALMART STORES TEXAS, LLC, before it, and to effectively prevent further proceedings of this case in the 136th Judicial District Court of Jefferson County, Texas.

Respectfully submitted,

MEHAFFY WEBER, P.C.

/s/ Karen L. Spivey

KAREN L. SPIVEY

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**ATTORNEY IN CHARGE FOR DEFENDANT,
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**(INCORRECTLY NAMED AS WALMART
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to opposing counsel of record on this 5th day of March, 2025, in accordance with the Federal Rules of Civil Procedure by certified mail and email, addressed as follows:

David R. Pete
PRO SE PLAINTIFF
dpetedavidpete@yahoo.com
6355 Chinn Ln #2105
Beaumont, TX 77708
Ph: 409-998-0229

/s/ Karen L. Spivey
KAREN L. SPIVEY